

**ATTACHMENT "A"**

**VACATION OF PUBLIC RIGHT-OF-WAY**

**TRACT NO. 6**

**PARCEL "G"**

A TRACT OF LAND COMPOSED OF A PORTION OF "M" STREET RIGHT-OF-WAY, A PORTION OF 5<sup>TH</sup> STREET RIGHT-OF-WAY, AND A PORTION OF THE EAST/WEST ALLEY IN BLOCK 81, ORIGINAL TOWN, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> PM LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHWEST CORNER OF BLOCK 74, ORIGINAL TOWN, THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 44 MINUTES 06 SECONDS EAST, ALONG THE SOUTH LINE OF SAID BLOCK 74, A DISTANCE OF 182.39 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING SOUTH 89 DEGREES 44 MINUTES 06 SECONDS EAST, ALONG THE SOUTH LINE OF SAID BLOCK 74 AND ALONG THE SOUTH LINE OF BLOCK 73, ORIGINAL TOWN, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF SAID "M" STREET, A DISTANCE OF 274.69 FEET TO A POINT; THENCE SOUTH 11 DEGREES 36 MINUTES 56 SECONDS WEST, A DISTANCE OF 27.08 FEET TO A POINT; THENCE SOUTH 27 DEGREES 25 MINUTES 15 SECONDS WEST, A DISTANCE OF 82.55 FEET TO A POINT ON THE NORTH LINE OF BLOCK 82, ORIGINAL TOWN; THENCE NORTH 89 DEGREES 44 MINUTES 06 SECONDS WEST, ALONG THE NORTH LINE OF SAID BLOCK 82, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SAID "M" STREET, A DISTANCE OF 13.89 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 82; THENCE SOUTH 00 DEGREES 15 MINUTES 32 SECONDS WEST, ALONG THE WEST LINE OF SAID BLOCK 82, SAID LINE ALSO BEING THE EAST RIGHT-OF-WAY LINE OF 5<sup>TH</sup> STREET, A DISTANCE OF 27.08 FEET TO A POINT; THENCE SOUTH 27 DEGREES 25 MINUTES 15 SECONDS WEST, A DISTANCE OF 219.06 FEET TO A POINT ON THE EAST LINE OF BLOCK 81, ORIGINAL TOWN; THENCE NORTH 00 DEGREES 15 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID BLOCK 81, SAID LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF SAID 5<sup>TH</sup> STREET, A DISTANCE OF 63.84 FEET TO THE NORTHEAST CORNER OF LOT 12, OF SAID BLOCK 81; THENCE NORTH 89 DEGREES 43 MINUTES 50 SECONDS WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 81, A DISTANCE OF 208.37 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY A DISTANCE OF 17.35 FEET ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2170.35 FEET, A CENTRAL ANGLE OF 0 DEGREES 27 MINUTES 28 SECONDS, WITH A CHORD BEARING OF NORTH 22 DEGREES 58 MINUTES 55 SECONDS EAST, AND A CHORD DISTANCE OF 17.35 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID EAST/WEST ALLEY IN SAID BLOCK 81; THENCE SOUTH 89 DEGREES 43 MINUTES 50 SECONDS EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID EAST/WEST ALLEY IN SAID BLOCK 81, A DISTANCE OF 201.67 FEET TO THE SOUTHEAST CORNER OF LOT 1, IN SAID BLOCK 81; THENCE NORTH 00 DEGREES 15 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID BLOCK 81, SAID LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF SAID 5<sup>TH</sup> STREET, A DISTANCE OF 142.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 44 MINUTES 06 SECONDS WEST, ALONG THE NORTH LINE OF SAID BLOCK

81, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SAID "M" STREET, A DISTANCE OF 148.56 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY A DISTANCE OF 104.64 FEET ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2170.35 FEET, A CENTRAL ANGLE OF 2 DEGREES 45 MINUTES 44 SECONDS, WITH A CHORD BEARING OF NORTH 17 DEGREES 21 MINUTES 56 SECONDS EAST, AND A CHORD DISTANCE OF 104.63 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 42,850.57 SQUARE FEET (0.98 ACRES) MORE OR LESS.

**VACATION OF PUBLIC RIGHT-OF-WAY**

**TRACT NO. 6**

**PARCEL "H"**

A TRACT OF LAND COMPOSED OF A PORTION OF "L" STREET RIGHT-OF-WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> PM LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF BLOCK 106, ORIGINAL TOWN, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE NORTH 00 DEGREES 14 MINUTES 46 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF 4<sup>TH</sup> STREET, A DISTANCE OF 51.97 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY A DISTANCE OF 54.30 FEET ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2170.34 FEET, A CENTRAL ANGLE OF 1 DEGREES 26 MINUTES 00 SECONDS, WITH A CHORD BEARING OF NORTH 28 DEGREES 04 MINUTES 07 SECONDS EAST, AND A CHORD DISTANCE OF 54.30 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 81, ORIGINAL TOWN; THENCE SOUTH 89 DEGREES 43 MINUTES 34 SECONDS EAST, ALONG THE SOUTH LINE OF SAID BLOCK 81, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF SAID "L" STREET, A DISTANCE OF 234.53 FEET TO A POINT; THENCE SOUTH 27 DEGREES 25 MINUTES 15 SECONDS WEST, A DISTANCE OF 112.38 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 106; THENCE NORTH 89 DEGREES 43 MINUTES 34 SECONDS WEST, ALONG THE NORTH LINE OF SAID BLOCK 106, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF "L" STREET, A DISTANCE OF 208.55 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 22,806.46 SQUARE FEET (0.52 ACRES) MORE OR LESS.

**VACATION OF PUBLIC RIGHT-OF-WAY**

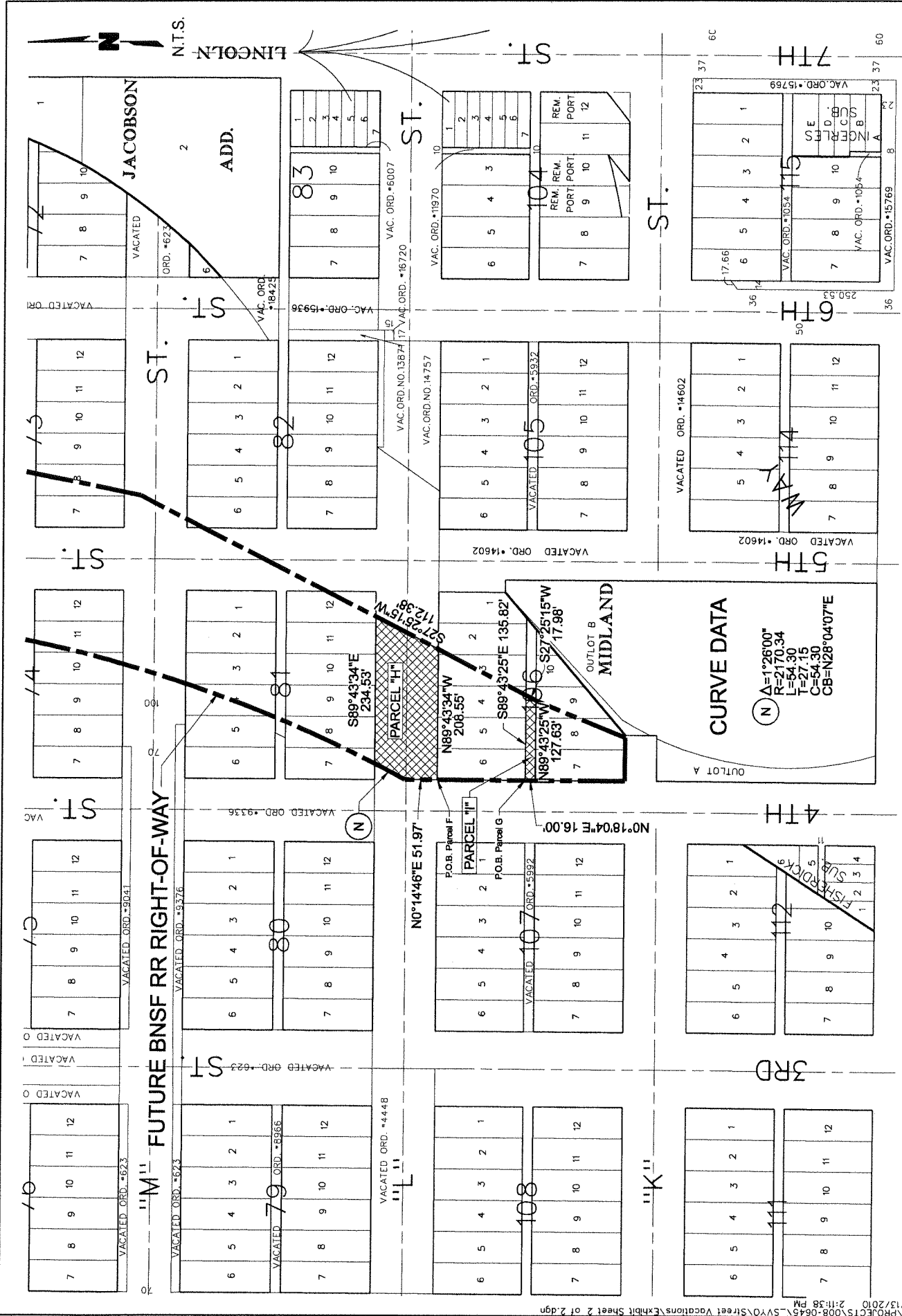
**TRACT NO. 6**

**PARCEL "I"**

A TRACT OF LAND COMPOSED OF A PORTION OF THE EAST/WEST ALLEY IN BLOCK 106, ORIGINAL TOWN, LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> PM LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHWEST CORNER OF LOT 6, BLOCK 106, ORIGINAL TOWN, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE SOUTH 89 DEGREES 43 MINUTES 25 SECONDS EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 106, A DISTANCE OF 135.82 FEET TO A POINT; THENCE SOUTH 27 DEGREES 25 MINUTES 15 SECONDS WEST, A DISTANCE OF 17.98 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID EAST/WEST ALLEY IN SAID BLOCK 106; THENCE NORTH 89 DEGREES 43 MINUTES 25 SECONDS WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID EAST/WEST ALLEY IN SAID BLOCK 106, A DISTANCE OF 127.63 FEET TO THE NORTHWEST CORNER OF LOT 7, IN SAID BLOCK 106; THENCE NORTH 00 DEGREES 18 MINUTES 04 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF 4<sup>TH</sup> STREET, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 2,107.60 SQUARE FEET (0.05 ACRES) MORE OR LESS.





PROJECT NO: 008-0645 DRAWN BY: TDB DATE: May 13TH, 2010		<b>MOLSSON</b> ASSOCIATES 1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	SHEET <b>2 of 2</b>
RIGHT-OF-WAY VACATION TRACT NO. 6, PARCEL H & I			

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 16, 2010 PLANNING COMMISSION MEETING

**PROJECT #:** Street and Alley Vacation No.10006

**PROPOSAL:** Vacate multiple streets and alleys for the West Haymarket Redevelopment Area.

**LOCATION:** Approximately N. 3<sup>rd</sup> St. to N. 7<sup>th</sup> St. from "S" St. to "U" St. and 5<sup>th</sup> St. from "L" St. to "T" St.

**LAND AREA:** 13.85 acres, more or less

**CONCLUSION:** The streets proposed to be vacated were dedicated with the original plat of Lincoln. These streets do not exist, except on the plat. The streets and alleys are not needed and is a necessary step for the proposed arena project and other West Haymarket developments.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** see attached

### **SURROUNDING LAND USE AND ZONING:**

North:	I-1, Industrial	Railroad corridor
South:	I-1, Industrial	Railroad corridor
East:	I-1, Industrial	Railroad corridor and industrial uses
West:	I-1, Industrial	Railroad corridor

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

Downtown is the heart of the City. A strong Downtown is important to the economic future of the community. Downtown forms a vital core for the City. (p.29)

Entertainment and recreational facilities are important to retain and attract young professionals. (p.29)

A new Downtown Arena and Convention Center is important to the future of the community and should be pursued in the near term, in the Downtown/Haymarket area. (p.30)

The West Haymarket offers a tremendous potential addition to the Downtown and should be pursued. (p.32)

A new Downtown Arena and Convention center is important to the future of the community and should be built as soon as possible.(p.32)

The City can play an important role in consolidating properties into larger and more desirable development parcels. (p.33)

The City should preserve and enhance Downtown's role as the City's principal cultural, entertainment, and tourism center. (p.36)

The streets are not shown on the Functional Street and Road Classification plan. (p102)

Alleys are not included in the functional classification (p 102)

**UTILITIES:** Easements will need to be retained for storm water mitigation, pedestrian bridge structure, and utilities. There is a 12" north-south sanitary sewer in Lots 2 and 11, Block 280. The sewer line crosses an alley that will be vacated.

**TRAFFIC ANALYSIS:** The streets proposed to be vacated were platted with Lincoln Original plat. The streets and alleys were never built.

**ENVIRONMENTAL CONCERNS:** The area of the street vacation is within the 100 year flood plain.

### **ANALYSIS:**

1. This is an application to vacate multiple rights-of-way within the West Haymarket redevelopment area. The street vacations are a necessary step in assembling property between the City and Burlington Northern Santa Fe (BNSF) railroad for the proposed arena project.
2. The area being vacated will become part of the future BNSF Corridor. The City will retain easements for existing and future utilities. An easement for a future pedestrian bridge structure easement will be retained at 6<sup>th</sup> & "U" St.
3. The rights-of-way were dedicated with the original plat of Lincoln and with North Lincoln Addition. These streets and alleys were never built.
4. The abutting property is owned by BNSF railroad.
5. There is no petition to vacate with this application. The petition is not required when the City is vacating the right-of-way. Title is not being reserved on the vacated ROW within the new BNSF Corridor therefore that ROW will automatically revert to the abutting property owners. The value of this ROW will be considered in the purchase of BNSF land by the City to relocate the tracks and enable the arena and other West Haymarket development.
6. Even though the street vacation will leave platted lots without street frontage and access, a final plat will not be required because the new BNSF Corridor constitutes a single premises which will have frontage and access to a public street.
7. The area of the proposed ROW vacation is within the 100 year floodplain. The BNSF Corridor will be subject to easements for storm water detention. The easements will be in lieu of a conservation easement. An area outside of the vacated right-of-way that is currently Union Pacific property also will become a storm water mitigation area.



Prepared by:

Tom Cajka  
Planner

**DATE:** June 2, 2010

**APPLICANT:** Marvin Krout, Director of Planning  
Lincoln/Lancaster County Planning Department  
555 S. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508

**OWNER:** City of Lincoln

**CONTACT:** Tom Cajka, Planner  
Lincoln/Lancaster County Planning Department  
555 S. 10<sup>th</sup> St. Suite 213  
Lincoln, NE 68508  
(402) 441-5662.

## STREET & ALLEY VACATION NO. 10006

### CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

### BEFORE PLANNING COMMISSION:

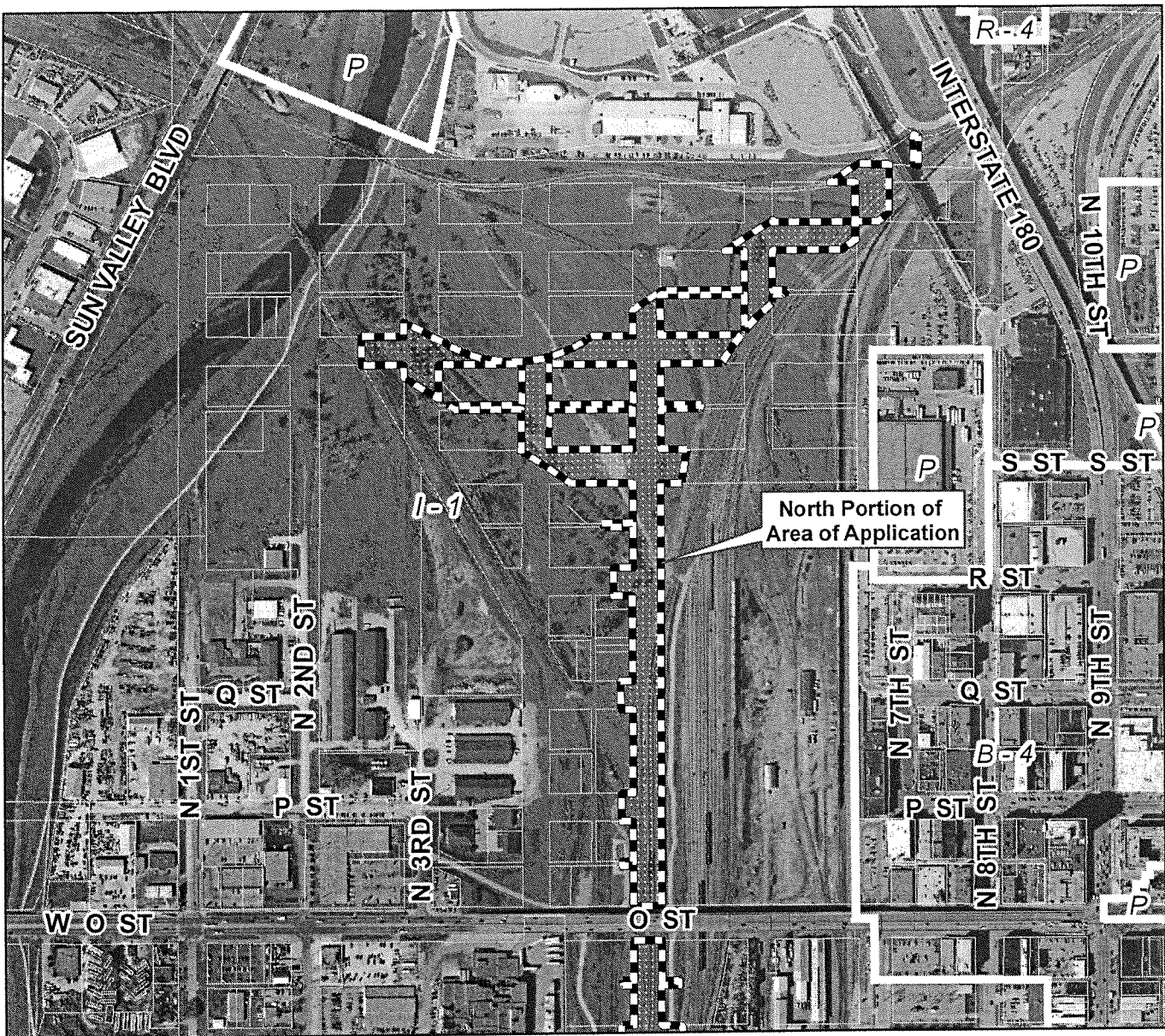
June 16, 2010

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 10003, PRE-EXISTING USE PERMIT NO. 13D, STREET AND ALLEY VACATION NO. 10006 and MISCELLANEOUS NO. 10003.**

Ex Parte Communications: None

Taylor moved to approve the Consent Agenda, seconded by Esseks and carried 9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'.



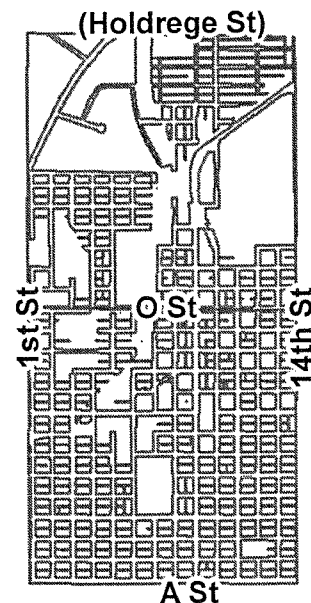
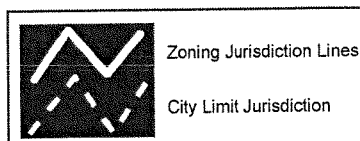
**Street & Alley Vacation #10006 (North Portion)**  
**West Haymarket**  
**3rd to 7th St, M to T St**

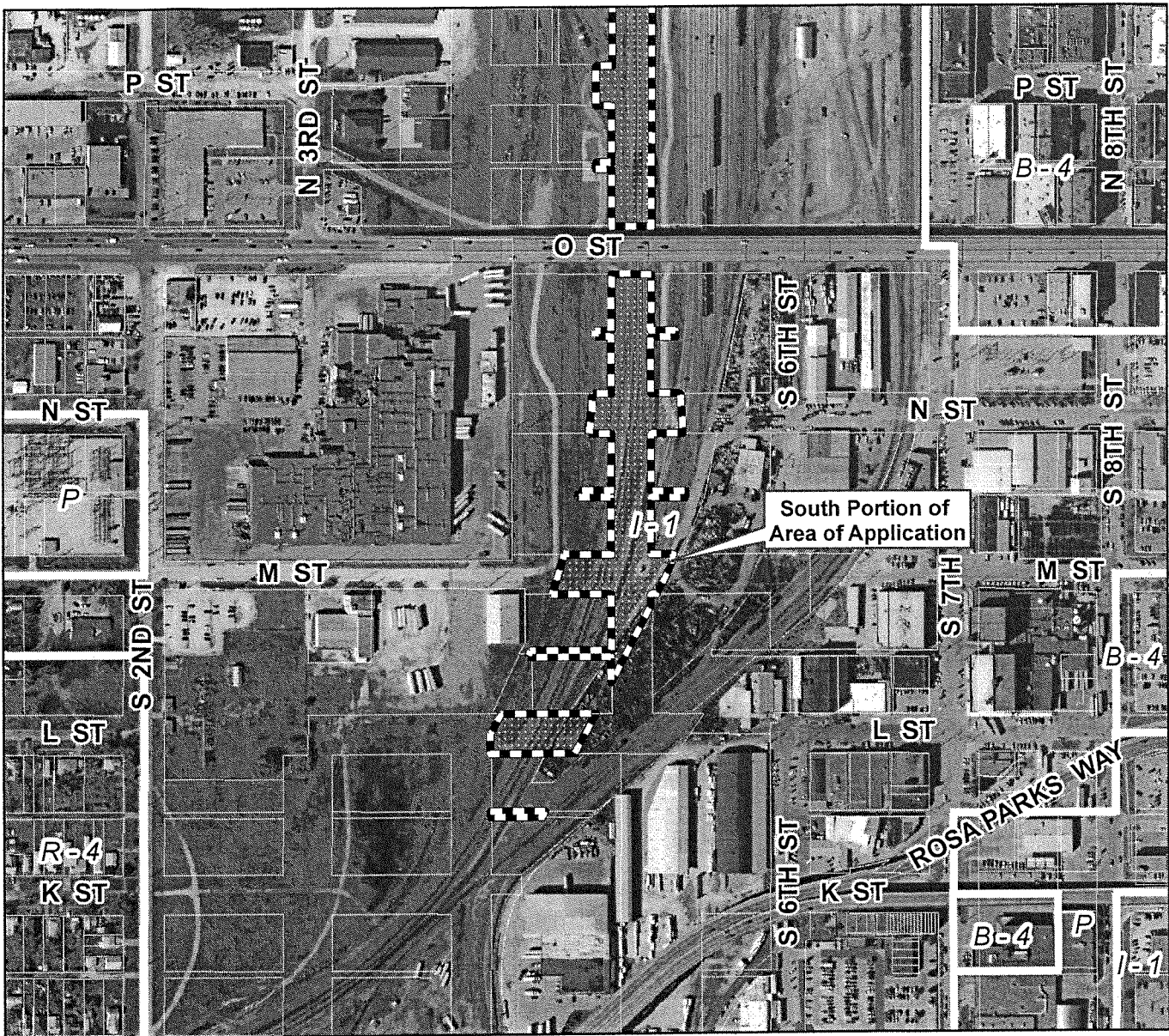
2007 aerial

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles  
 Sec. 23 T10N R06E  
 Sec. 26 T10N R06E





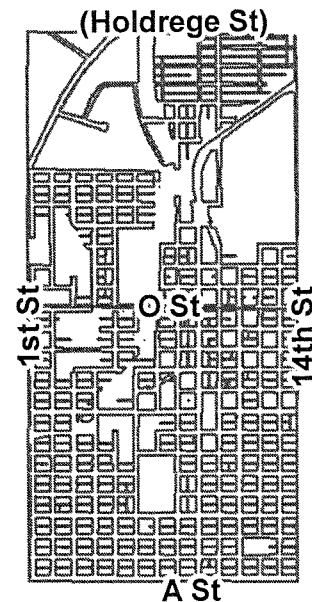
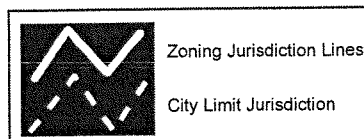
**Street & Alley Vacation #10006 (South Portion)**  
**West Haymarket**  
**3rd to 7th St, M to T St**

2007 aerial

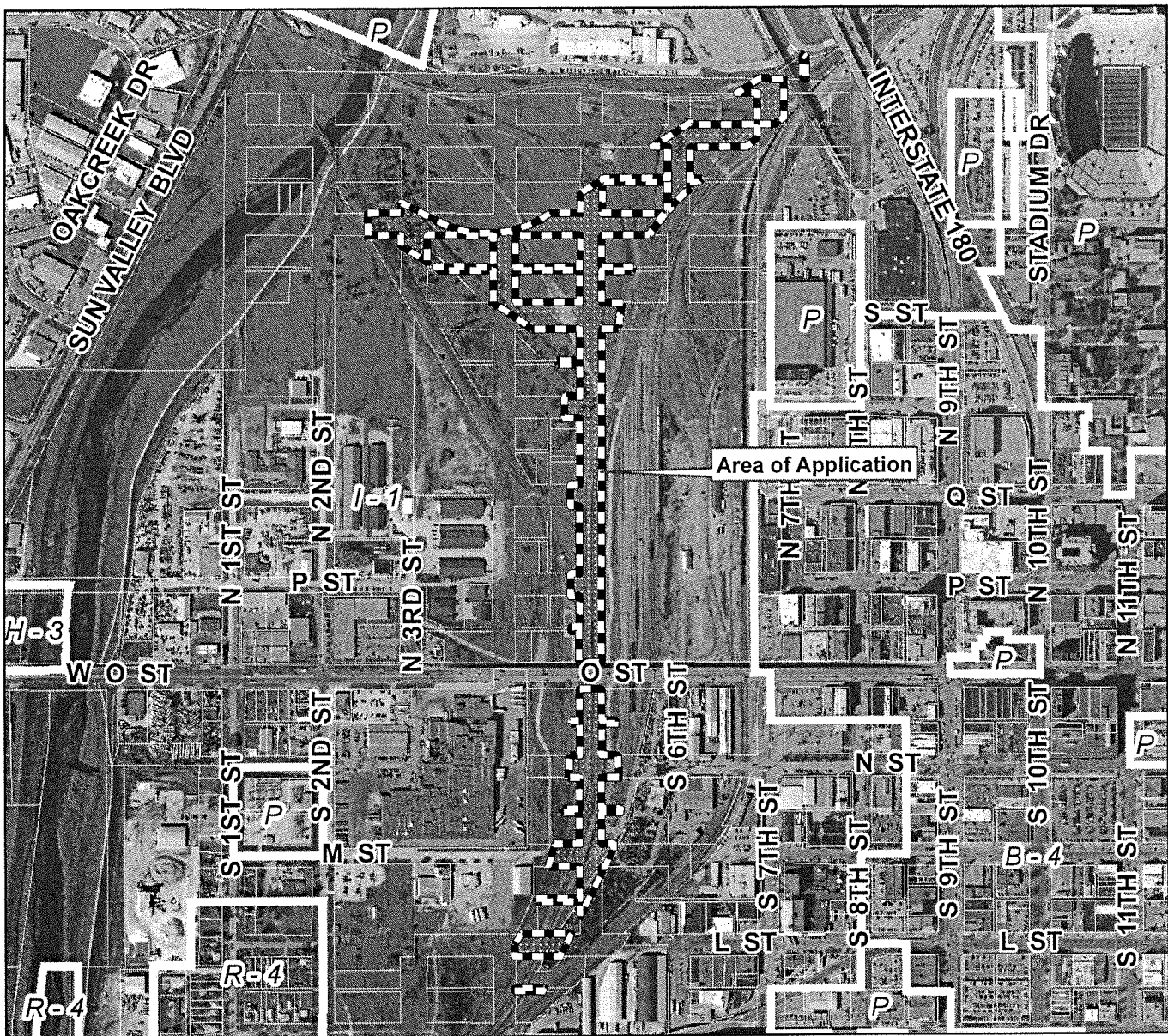
**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles  
 Sec. 23 T10N R06E  
 Sec. 26 T10N R06E







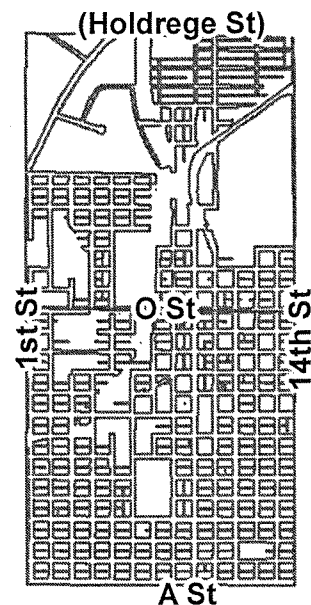
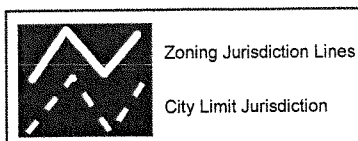
**Street & Alley Vacation #10006**  
**West Haymarket**  
**3rd to 7th St, M to T St**

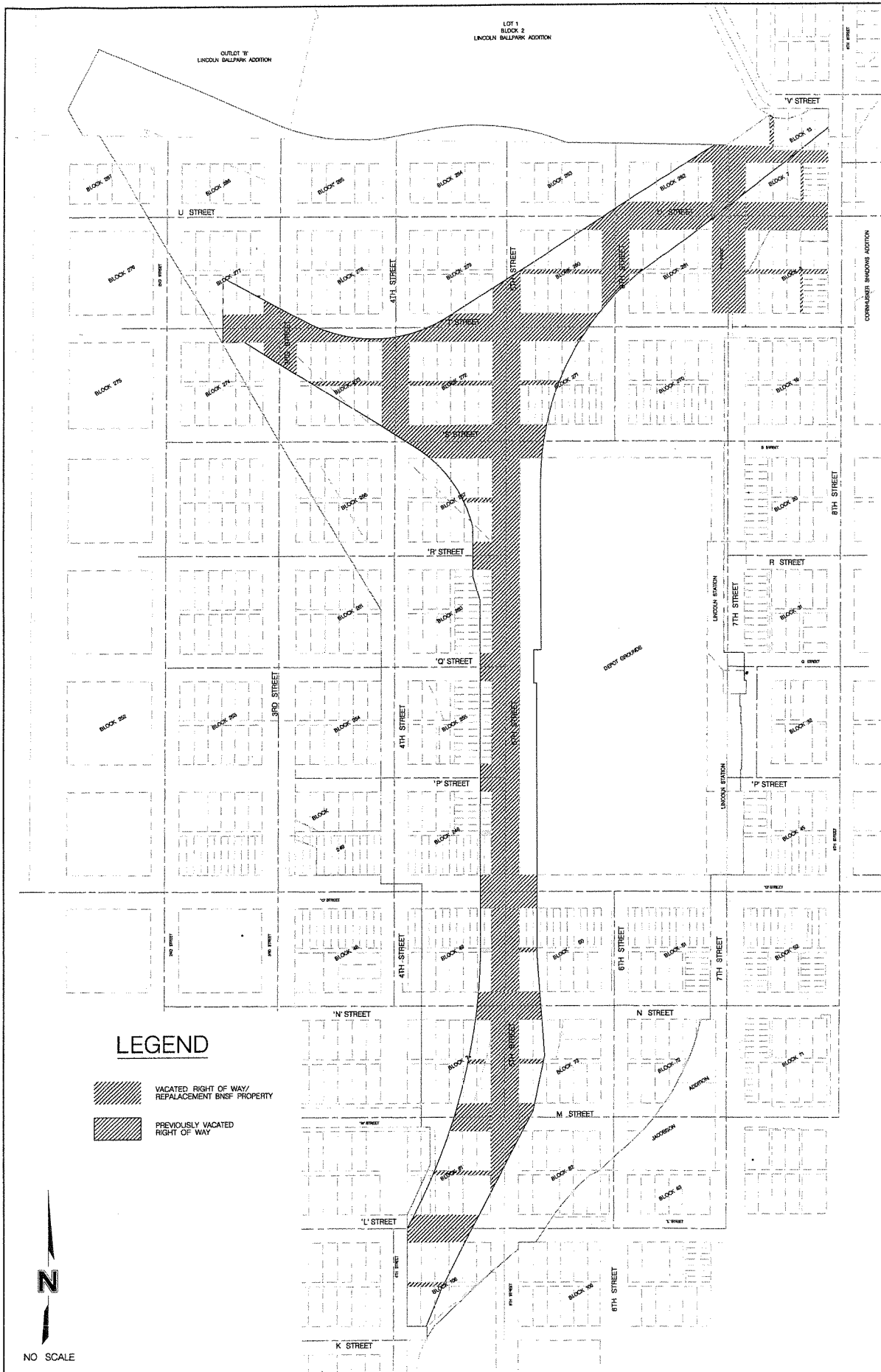
2007 aerial

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles  
 Sec. 23 T10N R06E  
 Sec. 26 T10N R06E





DATE: 5/25/2010  
DRAWN BY: JGO  
PROJECT NO: 008-0645

DATE: 5/25/2010  
DRAWN BY: JGO  
PROJECT NO: 008-0645

VACATED RIGHT OF WAY

**MOLSSON**  
ASSOCIATES

1111 Lincoln Mall, Suite 111  
P.O. Box 84008  
Lincoln, NE 68501-4608  
TEL: 402.474.6311  
FAX: 402.474.5160

EXHIBIT  
D-1

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